

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

DIOGENES AUSTUDILLO-
ZINSER,
a/k/a Thomas,)

Defendant.)

CASE NO. CR06-206 JLR

DETENTION ORDER

Offense charged:

Count I: Conspiracy to Distribute Heroin and Cocaine, in violation of Title
21, U.S.C., §§ 841(a)(1), 841(b)(1)(A), (b)(1)(B), and 846.

Date of Detention Hearing: June 26, 2006

The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. §
3142(f), and based upon the factual findings and statement of reasons for detention hereafter
set forth, finds that no condition or combination of conditions which the defendant can meet
will reasonably assure the appearance of the defendant as required and the safety of any
other person and the community. The Government was represented by Sarah Vogel. The
defendant was represented by Michael Nance.

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FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) There is probable cause to believe the defendant committed the drug offense. The maximum penalty is in excess of ten years. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).
- (2) Nothing in this record satisfactorily rebuts the presumption against release for several reasons:
 - (a) Defendant is a citizen of Mexico and in the United States illegally; he has prior convictions for reentry after deportation, including one conviction as an aggravated felon.
 - (b) A review of defendant's criminal history reveals and association with fourteen aliases and five dates of birth.
 - (c) Due to the nature of the instant offense and criminal history, defendant is viewed as a risk of danger to the community.

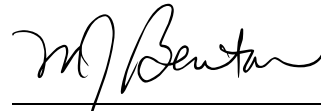
It is therefore ORDERED:

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court

proceeding; and

- (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 28th day of June, 2006.



MONICA J. BENTON
United States Magistrate Judge